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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,643	09/20/2005	Paulus Adrianus Wilhelmus Van Nickerk	NL 030286	8051

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, THAN VINH

ART UNIT	PAPER NUMBER
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2187

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,643

Applicant(s)VAN NIEKERK, PAULUS
ADRIANUS WILHELMUS**Examiner**

Than Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/20/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10 are pending.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. As to claim 1, Applicant does not define what the variables p and VAp_{rod} represent or how they are related to the virtual address space. Without knowing the definition of the variables claimed, one of ordinary skills cannot make and/or use the invention. Applicant only defines the variables by describing what address space they belong to, not what they are or represent.

6. As to claim 3, Applicant does not define what the variables q or VA_{cons} represent or how they are related to the virtual address space. Without knowing the definition of the variables claimed, one of ordinary skills cannot make and/or use the invention. Applicant only defines the variables by describing what address space they belong to, not what they are or represent.

7. Claim 3 recites the limitation "the consumer address" in line 10. There is insufficient antecedent basis for this limitation in the claim.

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8. Claims 9-10 provides for the use of the methods in claim 1 and 3, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. The claim language does not indicate how the method is used in a multiprocessor system.

9. As to claims 5-8, Applicant claims a computer system/computer program product/medium but does not include any physical element/limitation of the computer system/medium. One of ordinary skills cannot make/use the invention without knowing the physical elements that comprises the computer system/medium/product.

10. Dependent claims 2 and 4-10 are also rejected for incorporating the error of the parent claim.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims 9-10 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Pettey et al (US 6,594,712).

As to claim 1,5,7,9:

15. Pettey teaches a method for transferring data between remote devices (1/13-18). Packets including virtual addresses identifying locations in the system memory are transferred to receiver (1/40-45). The receiver translates the received virtual addresses to local addresses to store the data (4/29-33, 53-54). Pettey teaches a method comprising the steps of: computing said first number equaling p minus V_{aprod} , wherein p is in the virtual address space of the producer, and V_{aprod} is in the virtual address space of the producer and storing said first number as the address for said data in a scatter gather list (generating a scatter gather list (12/24-56; 16/61-17/20) using local virtual addresses and generating offsets to send packets to receiver (18/13-37).

As to claim 2:

16. Pettey teaches storing data at location p (data is stored at local address; 12/45-52).

As to claim 3,6,8,10:

17. Pettey teaches a method for transferring data between remote devices (1/13-18). Packets including virtual addresses identifying locations in the system memory are transferred to receiver (1/40-45). The receiver translates the received virtual addresses to local addresses to store the

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data (4/29-33, 53-54). Pettey teaches a method of referencing a first address for data to be retrieved, where data is shared among a producer and a consumer, said method comprising the steps of: retrieving a second number from a scatter gather list, wherein said second number equals p minus V_{aprod} wherein p is in the virtual address space of the producer, and V_{aprod} is in the virtual address space of the producer; and computing said first address as a VA_{cons} plus said second number, wherein said VA_{cons} is the consumer address for the scatter gather list in the virtual address space of said consumer, and where said first address is in the virtual address space of said consumer (receiving packet and forms address translation using scatter gather list offsets to form local addresses; 18/13-51).

As to claim 4:

18. Pettey teaches retrieving data, wherein said retrieved data is pointed to by said first address (retrieve data at translated address; 18/13-51).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The examiner can normally be reached on 8am-3pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

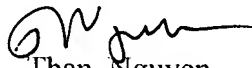
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Than Nguyen
Primary Examiner
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Than Nguyen
Primary Examiner
Art Unit 2187